

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - FLINT

In Re:

William M. Atchison,

Debtor(s), _____ /

Case No. 13-31999-dof
Chapter 13
Judge Daniel S. Opperman

William M. Atchison,

Plaintiff(s),
v.

Adv. Proc. No. 13-3226

United States of America (IRS)
and
State of Michigan,

Defendant(s), _____ /

ADVERSARY PROCEEDING SCHEDULING ORDER

The within proceeding being at issue by reason of the pleadings filed therein, and after consultation with the parties, pursuant to Fed. R. Bankr. P. 7016 and 7026 and the parties having conducted a conference and submitted a written report thereof ("26(f) Report") under Fed. R. Civ. P. 26(f), IT IS HEREBY ORDERED that further proceedings in this case shall be governed by the following:

I.

Discovery Plan and Other Provisions of Rule 26(f) Report

The Rule 26(f) Report is adopted as an order of this Court and incorporated herein.

II.

Dispositive Motions

Pursuant to Fed. R. Bankr. P. 7056(b), the deadline for dispositive motions is 30 days after the deadline for discovery, or the deadline agreed to by the parties in their 26(f) Report, whichever is earlier.

III.

Filing of Joint Final Pretrial Order

A joint final pretrial order prepared in accordance with L.B.R. 7016-1(E.D.M.) shall be filed at the final pretrial conference. In the portion of the joint final pretrial order designated "Issues of Law to be Litigated", each party shall provide after each listed issue, that party's three strongest reported cases in support of its view of the law.

IV.
Mediation

The Court encourages the parties to consider mediation of this adversary proceeding pursuant to L.B.R. 7016-2 (E.D.M.). If all parties agree to mediation, the parties should file a stipulation and submit to the Court a proposed order appointing the mediator. If the parties have agreed to select a mediator from the list of approved mediators on the Court's website, the proposed order should contain the name of the mediator when it is submitted to the Court for entry. If the parties have not agreed on the name of the mediator, the proposed order appointing the mediator should be submitted without a mediator's name and the Court will then select a mediator from the approved list and indicate such person's name in the order that is entered. The Court will not adjourn the trial to permit mediation. If the parties desire to further discuss mediation with the Court, the parties shall jointly contact Jill McFarlane, Court Clerk, at (810) 235-2039, to arrange a time for a conference call or a conference in chambers with the Court. If the parties have not mediated this proceeding before the final pretrial conference, the parties must be prepared to explain why the Court should not order mediation in this proceeding.

V.
Final Pretrial Conference

A final pretrial conference will be held on **September 2, 2014 at 1:30 p.m. before the Hon. Daniel S. Opperman, at the U.S. Bankruptcy Courtroom, 226 West Second Street, Flint, Michigan 48502.**

VI.
Trial Date(s) in Bankruptcy Court

THE TRIAL OF THIS MATTER SHALL COMMENCE ON **September 30, 2014 at 9:30 a.m. before the Hon. Daniel S. Opperman, at the U.S. Bankruptcy Courtroom, 226 West Second Street, Flint, Michigan 48502.**

VII.
Miscellaneous Matters

(a) Adjournment(s) or Changes in this Order

Requests for adjournment of the trial date are governed by L.B.R. 5071-1 (E.D.M.). Any changes in any other dates or provisions of this order are to be sought in accordance with L.B.R. 9014-1 (E.D.M.), or by written stipulation provided that in any case

good cause shall be shown, and approval of the Court is required.

(b) Exhibits and Discovery Disputes

The parties shall bring all proposed exhibits to the final pretrial conference for marking, and, if possible, admission into evidence by stipulation. Parties are encouraged to resolve disputes before a motion regarding discovery is filed, and are directed to strictly comply with L.B.R. 9014-1(g) and (h) (E.D.M.) if a motion is ultimately required.

(c) Settlement

Note should be taken of L.B.R. 9019-1 (E.D.M.) relative to settlements.

(d) Status or Pretrial Conference Request

Any party may request a status conference (or a conference to discuss or further consult in reference to this order) by a communication, in writing, addressed to the Court with copies to opposing or other counsel and/or any pro se parties. Upon receipt of such a request (or sua sponte) the Court will schedule such a conference (in person or by phone) if the Court believes it will advance or be helpful in the disposition of this proceeding.

(e) Filing of Discovery Materials

See L.B.R. 7026-1 (E.D.M.) regarding the filing of discovery materials.

Signed on: October 29, 2013

/s/ Daniel S. Opperman
Daniel S. Opperman
United States Bankruptcy Judge